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JUN 3 - 1996

June 3, 1996

Mr. William F. Caton  
Secretary  
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Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

**Re: Implementation of the Local Competition Provisions in the  
Telecommunications Act of 1996; CC Docket No. 96-98**

Dear Mr. Caton:

Enclosed herewith for filing are the original and sixteen (16) copies of MCI Telecommunications Corporation's Reply Comments regarding the above-captioned matter. Pursuant to the Commission's request, MCI is also submitting by separate cover a 3.5 inch diskette using MS DOS 5.0 and WordPerfect 5.1 software, containing our enclosed comments.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI Reply Comments furnished for such purpose and remit same to the bearer.

Sincerely yours,



Loretta J. Garcia

Enclosure

LJG

cc: Gloria Shambley -- 2000 M St., Suite 210 (3 copies)  
ITS

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUN 3 - 1996

In the Matter of )

Implementation of the Local )  
Competition Provisions in the )  
Telecommunications Act of 1996 )

CC Docket No. 96-98

**MCI REPLY COMMENTS**

MCI Telecommunications Corporation (MCI) respectfully submits these reply comments in the docket captioned above.<sup>1</sup> MCI responds to comments on dialing parity; operator and directory assistance services; access to poles, conduits and rights of way; and notice of technical changes. In the interest of keeping the record as uncluttered as possible, these reply comments will be brief and pointed.

I. Dialing Parity

The Federal Communications Commission (Commission) should establish national standards for dialing parity and not defer

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<sup>1</sup> Notice of Proposed Rulemaking, FCC 96-182, released April 19, 1996.

this issue to the states, as advocated by some parties.<sup>2</sup> Section 251(d)(1) of the 1996 Act<sup>3</sup> contemplates as much, allowing for the Commission to establish overarching regulations for implementation of interconnection issues, including dialing parity.

Parties agree with MCI that the 2-PIC method of presubscription should be used to implement dialing parity.<sup>4</sup> This method will maximize the consumer's choice of carriers for both interLATA and intraLATA toll service. It is technically feasible and procompetitive.

The Commission should adopt a national implementation schedule and should reject proposals that the incumbent local exchange carriers (ILECs) (PacTel at 12-13) or the states (CBT at 5-6) should set the schedule. Leaving this to ILECs would delay implementation because the ILECs have no incentive to quickly implement dialing parity. In addition, leaving

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<sup>2</sup> Comments of Ameritech at 14-20, Bell Atlantic at 2-6, BellSouth at 9-11, Pacific Telesis Group at 10-12, and United States Telephone Association at 2-4.

<sup>3</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996 Act).

<sup>4</sup> Comments of Ameritech at 15-16, SBC Communications, Inc. at 3-4, NYNEX at 3-4, US West, Inc. at 5-6, Cincinnati Bell Telephone at 3-5, and AT&T at 4-6.

implementation to a negotiation process would result in a patchwork of different dialing parity implementation schedules for different parties. Such a result would only leave consumers confused. Thus, dialing parity is an issue that calls for uniform resolution, just as equal access did in the 1980's.

## II. Operator Services, Directory Assistance and Listings

MCI disagrees that current offerings for operator services, directory assistance and directory listings satisfy the requirements of the 1996 Act and that the Commission need take no further action.<sup>5</sup> On the contrary, the Commission is obliged under the 1996 Act to ensure that local exchange carriers (LECs) provide access to these important functions. At a minimum, the Commission should adopt its proposed conclusions to ensure that customers can dial "0," or "0" plus the telephone number, and connect to live or automated assistance to arrange for billing and/or completion of a call. It should also adopt its proposal to require LECs to resell operator services.

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<sup>5</sup> Comments of Ameritech at 7-10, NYNEX at 6-9, and SBC at 6-7.

To advance the goals of the 1996 Act with respect to nondiscriminatory provision of these functions, directory assistance (DA) information should be available in widely accepted industry standard, as suggested by US West (at 9-11). MCI recommends that the listings be provided in accordance with common practice: in electronic form and in readily usable format.

### III. Poles, Conduits and Rights of Way

MCI disagrees with parties requesting that these issues be resolved by state commissions,<sup>6</sup> or through private negotiations.<sup>7</sup> National rules are needed because access to these facilities is critical in designing networks that span state boundaries. Rules that vary state-by-state -- or worse, on a case-by-case basis -- would make it difficult for new service providers to design and implement efficient networks. The Commission's rules thus should address and resolve access and access rights. Negotiations would specify which poles

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<sup>6</sup> Comments of Ameritech at 33-37, NYNEX at 11-12, and US West at 15-16.

<sup>7</sup> Comments of SBC at 17, US West at 15-16, and USTA at 9-11.

would be accessed, whether and how much space is available, expansion of the conduit needed to accommodate carriers, and other issues related to the particular facility.

Telecommunications Carriers for Competition has submitted access rules with its initial comments. MCI endorses those rules and asks the Commission to include them in the final rules adopted in this docket.

NYNEX, PacTel and US West contend that owners of facilities should be allowed to treat themselves differently from their competitors.<sup>8</sup> Section 251(c)(3) assures nondiscriminatory access to ILEC network elements, and rights of way are network elements because they are facilities. An ILEC clearly has an affirmative obligation to provide access to rights of way under this provision. Moreover, the purpose of Section 251(b)(4) is to ensure that LECs provide reasonable access to rights of way. The term "nondiscriminatory" does not appear in the provision. Under the reading offered by these ILECs, they could flatly deny access to all other carriers, or provide the same inferior access to all other carriers. To do either would not advance the objectives of

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<sup>8</sup> Comments of NYNEX at 12-14, PacTel at 19-21, and US West at 16.

the 1996 Act to create a competitively-neutral environment.

US West (at 16-18) contends that regulating "occupation" of LEC facilities constitutes a taking of private property. An ILEC's involuntary sale of the right to use a loop or a switch does not constitute a physical invasion of its property. Regulated monopolies are routinely subject to legal mandates to sell their services to all customers who want them, on terms set by the regulators. These statutory requirements do not depart from this principle.

In any event, even "physical invasions" of property are constitutional if the property owner receives "just compensation." MCI is recommending that compensation be set at total service long run incremental cost (TSLRIC), on the basis of the proportionate space used by each carrier. US West has not shown that TSLRIC-based pricing would fail to satisfy this constitutional standard. TSLRIC, not embedded cost, most closely reflects current market value of the property. This is not inconsistent with US West's argument that the standard requires "realization of the full market value of the property taken."

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<sup>9</sup> Comments of US West at 32, filed May 20, 1996.

#### IV. Notice of Technical Changes

Contrary to positions taken by NYNEX and PacTel,<sup>10</sup> the network disclosure requirements contained in Section 251(c) (5) apply only to ILECs.

The Commission cannot rely on industry guidelines, or industry fora, to address notification and publication of technical and operational standards, as advocated by NYNEX, SBC and USTA.<sup>11</sup> The Regional Bell Operating Companies have historically controlled the industry discussions on these issues and therefore the industry process would continue to be biased in favor of these incumbents. Moreover, it serves the public interest to have this information collected in a place that is accessible to all carriers, even those without the means to participate in the industry forums. The Commission is such a place.

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<sup>10</sup> Comments of NYNEX at 15-17 and PacTel at 5-7.

<sup>11</sup> Comments of NYNEX at 15-16, SBC at 13-14, and USTA at 11-14.




V. Conclusion

For the reasons described above, MCI respectfully requests that the Commission adopt the tentative conclusions proposed in the Notice and endorsed by MCI, and adopt the additional requirements MCI requests in its Comments and Reply Comments.

Respectfully submitted,

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Dated: June 3, 1996

## CERTIFICATE OF SERVICE

**I, Stan Miller, do hereby certify that copies of the foregoing Reply Comments were sent via first class mail, postage paid, to the following on this 3rd day of June, 1996.**

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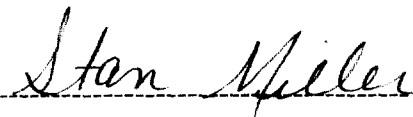
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